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EXAMINER

LONG, FONYA M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/707,387	Applicant(s) BENSON ET AL.	
	Examiner FONYA LONG	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following is a Final Office Action in response to communications received April 21, 2008. Claims 1-3, 7, 9, and 17 have been amended. Claims 1-20 are currently pending and have been considered below.

Response to Amendment

1. Applicant's amendments to the claims are sufficient to overcome the objections and the 112 and 101 rejections set forth in the previous office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8-10, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,970,831) in view of Prather et al. (US 2005/0033617).

As per Claims 1 and 17, Anderson et al. discloses an audit survey module configured to display at least one audit survey having a number of audit questions (Col. 2, Line 67; Col. 3, Lines 1-7, discloses a survey system that displays a survey with corresponding survey questions to a user), the survey module displaying selectable answers for each of the audit questions, the selectable answers being limited to one of

yes, no, or not applicable (Col. 3, Lines 48-57, discloses if the question is a functional question, the customer enters a yes/no response); and

a comment module which displays a number of predefined classifications to be separately selected by the user for each comment in order to classify user commentary so that each comment added to each answer is classified according to one of the predefined classifications (Col. 3, Lines 1-38, discloses a survey comprising a pre-defined survey groups, survey categories, and corresponding survey questions. The user selects from a host of pre-defined survey categories and corresponding survey questions. The user's response to each question is entered and recorded. For example, the system recovers the user answers when the user selects from the 1-5 for friendliness).

However, Anderson et al. fails to explicitly disclose a comment module configured to receive different comments to each of the questions from a user answering the questions.

Prather et al. discloses a system and method for auditing auditable instruments with the concept of a comment module configured to receive different comments to each of the questions, the comments being limited to user inputted commentary on the selected answer (Fig. 5; [0082; 0094], discloses user entering comments relating to the selected answer option and being received from the comment block).

Therefore, from the teaching of Prather et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for surveying customer service performance of Anderson et al. to include a comment

Art Unit: 3689

module configured to receive different comments to each of the questions from a user answering the questions as taught by Prather et al. in to provide guidance and reference as to why a user entered an answer.

As per Claims 8 and 20, Anderson et al. discloses the claimed invention as applied to Claims 1 and 17, above. However, Anderson et al. fails to explicitly disclose a number of selectable assessment ratings for rating an audit survey.

Prather et al. discloses an audit survey module comprising a number of selectable assessment ratings for rating at least one audit survey and wherein the system further comprises an assessment module configured for selecting at least one audit survey and displaying the assessment rating for the selected audit survey (Abstract, discloses an audit score being generated to measure a degree of compliance. Scores may be presented for individual questions or may be aggregated for groups or categories of questions. Scores may be compared to desired threshold values and suggestions to improve the score may be provided).

Therefore, from the teaching of Prather et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for surveying customer service performance of Anderson et al. to include a number of selectable assessment ratings for rating an audit survey as taught by Prather et al. to provide an indicator of sufficiency of the answers provided.

As per Claim 9, Anderson et al. discloses providing a number of selectable classifications for describing the comment (Col. 3, Lines 1-38, discloses a survey comprising of pre-defined survey groups, survey categories, and corresponding survey

Art Unit: 3689

questions); receiving at least one selection from the number of selectable classification (Col. 3, Lines 1-38, discloses the user selecting from a list of pre-defined survey categories and corresponding survey questions); and transmitting the comment and the at least one selected classification to the computer-readable medium for auditing (Col. 3, Lines 1-38, discloses user's response to each question is entered and recorded).

However, Anderson et al. fails to explicitly disclose receiving one or more comments for transmission to a computer-readable medium.

Prather et al. discloses a system and method for auditing auditable instruments with the concept of receiving one or more comments for transmission to a computer-readable medium, each comment being associated with a different answer and including commentary that a user answering the question use to explain the answer in more detail. (Fig. 5; [0082; 0094], discloses user entering comments relating to the selected answer option and being received from the comment block).

Therefore, from the teaching of Prather et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for surveying customer service performance of Anderson et al. to include receiving one or more comments for transmission to a computer-readable medium as taught by Prather et al. in to provide guidance and reference as to why a user entered an answer.

As per Claim 10, Anderson et al. discloses receiving the comment and storing the comment for retrievable based on the at least one selected classification (Col. 3, Lines 43-47, discloses receiving and recording customer's responses and the survey group and survey category being recorded along with the customer's responses).

4. Claims 2, 5, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,970,831) in view of Prather et al. (US 2005/0033617) and in further view of Barnett et al. (US 2003/0115092).

As per Claim 2, the Anderson et al. and Prather et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose displaying a summary report and comment inputted for each completed survey.

Barnett et al. discloses an audit system with the concept of a completed audit module configured to display a summary report and comment inputted for each completed audit survey ([0047] discloses upon submission of a response to the last question, the user is presented with an updated summary page, and the user is then presented with the option of viewing the report that includes recommendations and comments that correlated with the user's answers to the survey questions).

Therefore, from the teaching of Barnett et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Anderson et al. and Prather et al. combination to include displaying a summary report and comment for each completed survey as taught by Barnett et al. to aid in evaluating user's responses to the questions in order to make any necessary improvements resulting from the responses received.

As per Claim 5 and 12, the Anderson et al. and Prather et al. combination discloses the claimed invention as applied to Claims 1 and 9, above. However, the combination fails to explicitly disclose displaying comment solutions.

Barnett et al. discloses an audit system with the concept of a comment solutions module configured to display comment solutions and to retrieve each comment solution for display based on at least one of the number of selectable classifications ([0024-0025] discloses the survey being divided into five sections for each section comments and recommendations are provided based on the user's responses).

Therefore, from the teaching of Barnett et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Anderson et al. and Prather et al. combination to include displaying comment solutions as taught by Barnett et al. in order to determine the necessary improvements to be implemented as a result of the user's responses to the questions.

5. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,970,831) in view of Prather et al. (US 2005/0033617) and in further view of Heckerman et al. (6,633,852).

Anderson et al. discloses the number of selectable classifications provided by the comment module provides a two-tiered classifications requirement that requires the user answering the questions to select from one of a number of comment categories which assign the comment to a particular process (Col. 3, Lines 20-32, discloses a survey being broken into groups, wherein the groups are further subdivided into categories). However, the Anderson et al. and Prather et al. combination fails to explicitly disclose causal factors.

Heckerman et al. discloses a buyer survey with the concept of a group consisting of a number of causal factors (Claim 12, Page 1, Line 9, discloses groups containing causal factors).

Therefore, from the teaching of Heckerman et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Anderson et al. and Prather et al. combination to include a group consisting of a number of causal factors as taught by Heckerman et al. in order to identify the similarities of each group.

6. Claims 4, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,970,831) in view of Prather et al. (US 2005/0033617) and in further view of McQuilkin et al. (US 2003/0204435).

The Anderson et al. and Prather et al. combination discloses the claimed invention as applied to Claims 1, 9, and 17, above. However, the combination fails to explicitly disclose graphically displaying a classification selection frequency.

McQuilkin et al. discloses a method for collecting customer intentions with the concept of a graphical display module configured to graphically display a classification selection frequency for at least one of the selectable classifications ([0030] discloses a data table displaying categorized responses and their frequencies. Claim 1, discloses the frequencies representing the number of times a response is made for that category relative to other categories).

Therefore, from the teaching of McQuilkin et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

Art Unit: 3689

Anderson et al. and Prather et al. combination to include graphically displaying a classification selection frequency as taught by McQuilkin et al. to determine the most common topics in reference to the responses provided from the survey.

7. Claims 6, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,970,831) in view of Prather et al. (US 2005/0033617) and in further view of Malone et al. ("Internal Quality Audit Reporting/Corrective Action", September 2001).

The Anderson et al. and Prather et al. combination discloses the claimed invention as applied to Claims 1, 9, and 17, above. However, the combination fails to explicitly disclose receiving a comment correction completion data and a corrective action module.

Malone et al. discloses a method for performing an internal quality audit with the concept of a comment module configured to receive a comment correction completion date and wherein the system further comprises a comment corrective action module configured to automatically obtain an evaluation rating for monitoring correction of each received comment based on a difference between the comment correction completion data and an updated comment correction completion data received by the comment corrective action module (Abstract, discloses receiving a corrective action completion data goal and receiving updates to the completion data goal or the actual date of completion into the Internal Audit Corrective Action Plan).

Therefore, from the teaching of Malone et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Anderson et

Art Unit: 3689

al. and Prather et al. combination to include receiving a comment correction completion data and a corrective action module as taught by Malone et al. to aide in optimizing the time for resolving an issue noted in the survey.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,970,831) in view of Prather et al. (US 2005/0033617) and in further view of Secrest (5,541,846).

The Anderson et al. and Prather combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose displaying audit instructions.

Secrest discloses a system for providing audit procedures with the concept of an audit review module configured to display instructions for answering the audit questions and to display instructions having described criterion for explaining selection protocol for each one of the number of selectable classifications (Col. 4, Lines 22-26, discloses displaying audit instructions that provide numerical requirements as well as attributes for determining "yes"/"no" or "pass"/"fail" answers).

Therefore, from the teaching of Secrest, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Anderson et al. and Prather et al. combination to include displaying audit instructions as taught by Secrest in order to provide the auditor assistance and direction in conducting an audit.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,970,831) in view of Prather et al. (US 2005/0033617) and in further

view of McQuilkin et al. (US 2003/0204435) as applied to Claim 14, above, and in further view of Gates et al. (US 2004/0220902).

The Anderson et al., Prather et al., and McQuilkin et al. combination discloses the claimed invention as applied to Claim 14, above. However, the combination fails to explicitly disclose obtaining and displaying the top five selected comment categories.

Gates et al. discloses a system and method for providing categories based on information submitted with the concept of determining a selection frequency for each classification to obtain the top five selected comment categories and graphically displaying the selection frequency for the top five selected comment categories ([0028-0036] discloses a user deciding how many categories are to be displayed, sorting the list of categories by frequency, and selecting the top predetermined number of categories the user decides to show).

Therefore, from the teaching of Gates et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of the Anderson et al., Prather et al., and McQuilkin et al. combination to include obtaining and displaying the top five selected comment categories as taught by Gates et al. in order to identify the most relevant categories of focus for the audit.

10. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (6,970,831) in view of Prather et al. (US 2005/0033617) and in further view of McQuilkin et al. (US 2003/0204435) as applied to Claim 14, above, and in further view of Heckerman et al. (6,633,852) and Gates et al. (US 2004/0220902).

The Anderson et al., Prather et al., and McQuilkin et al. combination discloses the claimed invention as applied to Claim 14, above. However, the combination fails to explicitly disclose obtaining and displaying the top five selected causal factors.

Heckerman et al. discloses a buyer survey with the concept of classifying information by causal factors ([0075] Claim 12, discloses groups containing causal factors).

Therefore, from the teaching of Heckerman et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of the Anderson et al., Prather et al., and McQuilkin et al. combination to include causal factors as taught by Heckerman et al. in order to identify the similarities of each group.

Gates et al. discloses a system and method for providing categories based on information submitted with the concept of determining a selection frequency for each classification to obtain the top five selected and graphically displaying the top five selected ([0028-0036] discloses a user deciding how many categories are to be displayed, sorting the list of categories by frequency, and selecting the top predetermined number of categories the user decides to show).

Therefore, from the teaching of Gates et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and system of the Anderson et al., Prather et al., McQuilkin et al., and Heckerman et al. combination to include determining a selection frequency to obtain the top five selected and graphically displaying the top five selected as taught by Gates et al. to identify the

Art Unit: 3689

top five similarities of the groups in order to aide in determining the main issues that need to be resolved as a result of the audit survey.

Examiner Notes: Claims 1-8, 17, and 19 recite the language “configured to”. It has been held that the recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138.

Response to Arguments

11. Applicant's arguments filed April 21, 2008 have been fully considered but they are not persuasive.

In response to Claims 1, 9, and 17, Applicant's arguments have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Prather et al. (US 2005/0033617).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/707,387
Art Unit: 3689

Page 15

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Examiner, Art Unit 3689

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